William A. Earnhart, Esq., ASBA 9411099 LANE POWELL LLC 301 W. Northern Lights Blvd., Suite 301 Anchorage, Alaska 99503-2648 Telephone 907-277-9511 Facsimile 907-276-2631 E-mail:earnhartw@lanepowell.com Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA AT ANCHORAGE

WESLEY WORRELLS,

Plaintiff,

SAM'S CLUB, INC. d/b/a SAM'S CLUB #6603,

Defendant.

Case No. 4:05-cv-0025-RRB

DEFENDANT'S NON-OPPOSITION TO PLAINTIFF WORRELLS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Defendant, SAM'S WEST, Inc. d/b/a SAM'S CLUB # 6603, by and through counsel, gives notice that it does not oppose Plaintiff Worrells' Motion For Leave To File Second Amended Company dated February 28, 2006 (Document 10).

DATED this 20th day of March, 2006.

LANE POWELL LLC Attorneys for Defendant

I certify that on March 20, 2006, a copy of the foregoing was served electronically on:

William B. Schendel, Esq. Winfree Law Office 301 Cushman Street, Ste 200 Fairbanks, AK 99701-4629

/s/ William A. Earnhart 111655.0260/154271.1

By /s/ William A. Earnhart William A. Earnhart 301 W. Northern Lights Blvd., Suite 301 Anchorage, Alaska 99503-2648 Telephone 907-277-9511

Facsimile 907-276-2631

E-mail: earnh ASBA 9411099 earnhartw@lanepowell.com